MR. CHAIRMAN: He wants an improvement.

SHRI MALLIKARJUN: Sir, it is our constant effort to improve the conditions of either the coaches or the other services.

Prosecution of persons involved in 1984 Riots

*103. DR. G. VIJAYA MOHAN REDDY:†
SHRI N. E. BALARAM:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have taken a final decision for prosecution of police officials and others who were found guilty of excesses in 1984 riots in Delhi; and

(b) if so, what are the details in this regard and what action Government have taken so far in the matter?

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): (a) and (b): The number of persons prosecuted so far 2,341.

Departmental proceedings are being initiated against concerned police officials.

DR. G. VIJAYA MOHAN REDDY: Mr. Chairman, 7 years have passed. The hon. Minister's reply is very brief. The Ranganath Mishra Commission was set up in April, 1985 to probe into the 1984 riots. Its Report has been accepted by the Government. The Commission had stated that the killings were between 2,307 and 3,874. It listed 19 instances in which prominent politicians took part in the riots. It had also indicated that the Delhi Police failed to act as a professional force and that there was a delay in calling the Armed Forces to control the situation.

MR. CHAIRMAN: Put the question, please.

†The question was actually asked on the floor of the House by Dr. G. Vijaya Mohan Reddy.

DR. G. VIJAYA MOHAN REDDY: In his reply the hon. Minister has stated that 2,341 persons have been prosecuted. I want to know, out of these how many have been convicted, how many have been discharged and how many have been acquitted.

SHRI S. B. CHAVAN: Sir, the number of cases registered is 518, cases filed as untraced 163, cases cancelled 10, cases pending investigation 114, cases instituted in the Court 231, cases resulting in conviction 13, cases resulting in acquittal 103, cases resulting in discharge 7, cases consigned to the record room 14, cases pending trial 94.

DR. G. VIJAYA MOHAN REDDY: Sir, my supplementary is this. Is it true that the Mittal Commission which has gone into case diaries and other police records of the riots has recommended outright dismissal of 6 officers without any need of inquiry, major penalty against 34 and further inquiry into 30 cases? The hon. Minister has stated that departmental proceedings against police officials are being initiated. I want to know the stage at which the departmental proceedings are and why even after a lapse of 7 years the proceedings are not completed.

Second part of my supplementary is this. At least two Government-appointed commissions have recommended registration of cases against Shri Saijan Kumar and Shri H.K.L. Bhagat. After finding them prima facie guilty of taking part in the riots have you filed the FIRs in these cases? If so, why have they not been charge-sheeted before the court of law? What is the reason for delay? By when would you be able to bring them before the court of law?

SHRI S. B. CHAVAN: Sir, the number of police officials against whom the Commission has recommended taking action under Article 311(2)(b) of the Constitution is 6, the number of officials against whom major penalty proceedings have been recommended is 34, the numfer of officials against whom minor penalty proceedings have yeen recommended is one and the number of officials against whom suitable departmental acton or disciplinary proceed-

ings have been recommended is 31. Out of these, in the case of 6 officers against whom proceedings had to be started under Article 311(2)(b) the Government thought it fit that they should have an opportunity to explain their position; that is how they are being served with the notices to explain their position. Thereafter the Government will take a final view in the matter.

So far as the second part of the question is concerned, 22 affidavits relating to 8 cases were referred to the CBI for inquiry. About the two particular cases, one case they have been able to finalise and it is at the stage of putting a charge sheet before the court. The second case is still under investigation. (*Interruptions*)...

DR. G. VIJAYA MOHAN REDDY: Why is there so much delay? (Interruptions)...

SHRI S. JAIPAL REDDY: Why is the Home Minister not able to...(*Interruptions*).. Why is the Home Minister not able to respond to the names of two persons he mentioned?

SHRI S. B. CHAVAN: That is what exactly I said.

SHRI S. JAIPAL REDDY: No. You didn't say. We did not understand it wrongly, Sir. (*Interruptions*)...

SHRI S. B. CHAVAN: I hope this will be considered as your question. Okay. Sir, about this point I said that against one person, Sajjan Kumar...(*Interruptions*).

AN HON. MEMBER: Who is the other person? (*Interruptions*)...

SHRI MENTAY PADMANABHAM: Sir, he named two persons and whom the Commission...(*Interruptions*)...

SHRI S. B. CHAVAN: You did not allow me to finish my reply also. I was speaking that one case in which the name of Sajjan Kumar has been mentioned by the hon. Member has been finalised. It is at the final stage of putting a charge-sheet in the court. The second case is a matter which is still under investigation.

SHRI R. K. DHAWAN: Sir, I would like to know from the hon. Minister the number of affidavits and/or complaints that are proved to be false after inquiry and what action the Government is contemplating against those who filed false affidavits.

SHRI S. B. CHAVAN: Sir, I have the latest figure of affidavits filed. The number of affidavits received by Jain-Banerjee Oti Rosha-Jain-Aggarwal Committee is 1084. The number of affidavits filed by the Committee is 36. The Number of affidavits sent to the Delhi Administration by the Committee after scrutiny is 296. The number of affidavits pending with the Committee is 752 and the number of affidavits referred by the Delhi Administration to the Delhi Police for registration of cases and investigation is 197. (*Interruptions*)...

SHRIMATI JAYANTHI NATARAJAN: No. (*Interruptions*)...

SHRI R. K. DHAWAN: Many affidavits and complaints have been proved to be false after enquiry. What action the Government is contemplating against those who filed false affidavits?

SHRI S. B. CHAVAN: At this stage of investigation if anyone files the affidavit it is the responsibility of the officer —investigating officer—to properly investigate the case. But merely for filing a false affidavit we cannot take any action. (*Interruptions*)...

SHRI V. NARAYANASAMY: The contents are proved to be false.

SHRI S. B. CHAVAN: It is for the officer to take the action, not the Government.

SARDAR JAGJIT SINGH AURORA: Sir, with your permission I would like to read a little from the Citizens' Commission report which was headed... (*Interruptions*)...

श्री सभापति : एक दो सेन्टेंस से ज्यादा नहीं पढने दूंगा ।

SARDAR JAGJIT SINGH AURORA: No. Just very brief. (*Interruptions*)...

MR. CHAIRMAN: The question is, of course, important. Every Member is important. Every question is important. What he says is important. (*Interruptions*)...

SARDAR JAGJIT SINGH AURORA: My question will follow. The Commission was headed by a former Judge, Mr. Justice Sikri, with four other members, all very important people, belonging to the Government side. Now, it says:

> "That such a savagery should have taken place in the capital city of India, and raged unhindered for three or four days of which the Sikh community was the direct victim...is a matter of grave concern. It is of fundamental importance to take immediate action, even so long after the grievous outrages to restore a sense of reassurance among the Sikh community in particular and among the public at large. The danger which the country faces is that, if such..."

(*Interruptions*)

SHRIMATI JAYANTHI NATARAJAN: Sir, why is he reading all this? (*Interruptions*)...

SARDAR JAGJIT SINGH AURORA:

> "...merciless bestiality can be allowed to take place unchecked, the very fabric of the mosaic of India's unity in diversity, secularism and security will be gravely imperilled."

(*Interruptions*)

MR. CHAIRMAN: You come to the question.

SARDAR JAGJIT SINGH AURORA: Let me come to the question. The first question is: How long will it take for the present Government which is still carrying out the investigation against the very important people rather than taking action, to take action either against the police officers or against the important people who are proved to be criminals by everybody else? But the Government still wants to investigate. Does it not mean that the Government has never been sincere in doing anything to the guilty? I sat for four weeks in Boat Club asking for the punishment of the guilty in 1987. Now we are in 1992. So far nothing has happened. Therefore, this is very important. Sir, one other aspect, I would like to mention. Are there any cases against those victims who are charged by the police — I am talking about the victims being Sikhs — for opening fire on the mob? Are there still any cases about them? Because today I find in the newspaper that two have been acquitted in the 1984 riots case. The person who have been acquitted are a father and son who are supposed to have fired on the mob. The Judge here says that these people ran and got asylum in the police station. But the police people there decided to file a case against them. My point is, are there any other cases where the Sikhs who are supposed to have opened fire on the mob are still being tried?

SHRI S. B. CHAVAN: It is a fact that it has taken a considerable time for the different commissions to submit their reports to the Government. But to say that the Government is not paying attention to all these cases is far from truth. So far as the officials are concerned, we have now decided to set up a committee in which the Home Secretary himself...

SHRI S. JAIPAL REDDY: How many committees are there?

SHRI S. B. CHAVAN: If you are not interested in listening to the reply. I am not interested in giving it. When I say, it is a committeee, then it is a monitoring committee. It is a monitoring committee in which the Home Secretary and other officers are going to review the entire proceedings. They have also fixed a date by which they would be able to charge-sheet these officers. So, dates have been given and we are following the same. The last date will be sometime in the month of August, 1992. About other cases also we are trying to persuade the

CBI. Sir, there is no denying the fact that the CBI has been entrusted with a large number of cases. The CBI has been complaining that they have been getting a large number of cases and it becomes almost physically impossible for them to investigate every case. Wherever any doubt is expressed by someone, those cases are being referred to the CBI. Correspondingly their strength has not been increased. That is why we are going to discuss with them about these 20—22 affidavits relating to 8 cases of the politicians and other people who are supposed to be involved in this. Let the CBI look into the matter and investigate it properly so that everybody should have the feeling of confidence in the investigating part of it.

SHRI VIREN J. SHAH: Sir, I think, what happened in 1984 was one of the darkest chapters in Independent India. It pains everybody.

श्री सभापति : सवाल कर लें, प्लीज़।

SHRI VIREN J. SHAH: Sir, apart from grievous injustice done to a section of our community, women, children and men— some of us have seen — it has also created an impact outside India...

MR. CHAIRMAN: What is your question?

SHRI VIREN J. SHAH: ...about the delays in coming to a conclusion in such cases. May I know from the hon. Minister his attention has been drawn to a report in today's Times of India? I will read only one sentence with your permission where two Sikhs were charged for assault and the Court has ruled in the following words:

"In my view it is a wholly motivated and misconceived prosecution. The public prosecutor has failed...

The Court pointed out that not one person from the mob indulging in looting ing and arson as well as firing shots had been apprehended.

Only the two accused were picked up from the gurdwara."

That is what has happened. When you give the number of people against whom cases were made as 2000, would that include mostly such cases where the victims themselves have been prosecuted and charged when the perpetrators of this unbelievable heinous crime have so far gone scot-free. Does it, in the opinion of the Home Ministers, do justice to the Indian investigating system and the Indian system of jurisdiction particularly when his last reply was that the CBI is still investigating?

MR. CHAIRMAN: So, what is your supplementary?

SHRI VIREN J. SHAH: This is the question Sir. Is it his opinion that this leads to a situation of restoring confidence either in the police, CBI or our jurisprudence system and at the higher levels of Government?

SHRI S. B. CHAVAN: So far as the first part of the question is concerned where the victims themselves are being prosecuted, that is something unheard of because the proceedings are mostly based on the affidavits filed by the victims themselves... (*Interruptions*)...

SHRI VIREN J. SHAH: This is a *Times of India* report of the court cases of two Sikhs against whom affidavits have been filed by the police... (*Interruptions*)...

SHRI S. B. CHAVAN: I cannot possibly... (*Interruptions*)... I cannot possibly react to what the newspapers have reported... (*Interruptions*)... I do not feel I need to react... (*Interruptions*)...

MR. CHAIRMAN: You put your question and let him answer. He is neither the proprietor nor the editor of the *Times of India*... (*Interruptions*)...

SARDAR JAGJIT SINGH AURORA: The Home Minister cannot plead ignorance about the court order. Large number of cases... (*Interruptions*)...

MR. CHAIRMAN: Let him answer... (*Interruptions*)... I request the Members,

kindly, when the questions are put, the supplementaries are put, let the Ministers also answer... (*Interruptions*)...

SHRI S. B. CHAVAN: So far as the first part of the question is concerned, the whole thing, mostly the investigation is based on the affidavits which had been filed and if the hon. Member feels that the affidavits have been filed in a wrong manner in which the victims themselves are going to be the ultimate sufferers, certainly it is for the investigating agency to find out... (*Interruptions*)...

SHRI VIREN J. SHAH: The police officers filed affidavits... (*Interruptions*)...

SHRI S. B. CHAVAN: I will not react to what appeared in today's newspaper reports... (*Interruptions*)... I require notice... (*Interruptions*)...

SARDAR JAGJIT SINGH AURORA: FIR has been filed by the police against those people... (*Interruption*)... and the cases are being tried since then... (*Interruptions*)...

MR. CHAIRMAN: Shri Harvendra Singh Hanspal.

श्री हरवेन्द्र सिंह हंसपाल : महोदय, यह कहा जाता है कि "जस्टिस डिलेड इज जस्टिस डिनाइड" । मैं यह मान सकता हूं कि कोर्ट में प्रोसिक्यूशन जो चल रहे हैं, उसके अंदर गवर्नमेंट का हाथ न हो, गवर्नमेंट उसमें कुछ कर नहीं सकती, कैसे उसको एक्सपिडाइट किया जाए? लेकिन मंत्री महोदय ने यह कहा कि पुलिस आफिसर्स और पुलिस कर्मचारियों के अगेंस्ट डिमापार्टमेंट्ल इन्वेस्टीगेशन चल रही है । इस "चल रही" का सिलसिला 1984 से 1992 तक 8 साल हो गए , तो सरकार की या हमारी नीयत के ऊपर शक हो जाता है । मैं स्पैसिफिकली यह जानना चाहूंगा कि यह प्रोसिडिंग्स या इंक्वायरीज या इनवैस्टीगेशन जो डिपार्टमैन्टल हो रही है पुलिस आफिसर्स के अगेन्स्ट, यह कब तक फाइनलाइज हो जाएगी और अगर इसमें डिले होती हो तो सरकार उसका स्पैसिफिक कारण बताए कि क्यों डिले हो रही है ?

SHRI S. B. CHAVAN: I have just now stated Mr. Chairman, Sir, that this monitoring committee is going to see that the final result is obtained by the end of August 1992. I have admitted from the beginning that there have been delays. There is no doubt about it. But at the same time in order to extract the whole thing, we have appointed this monitoring committee and they are going deep into the matter and are seeing to it that the whole thing is finalised, at least the investigation part is finalised by August 1992. Thereafter, cases will be filed in a court of law. I don't think there has been anything done deliberately. Ultimately we will have to go into the history of the entire thing. Four or five committees have been appointed and thereafter the last report which came to us was in 1990 Of course there has been no delay. I cannot say that there has been no delay. But at the same time effort is being made to see that it is finalised. (*Interruptions*)...

MR. CHAIRMAN: Question No. 104

Operation of privately-owned wagons

*104. SHRI KAMAL MORARKA: †
SHRI P. UPENDRA:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Government propose to permit operation of privately-owned Railway wagons due to wagon shortage;

(b) if so, the extent of shortage of wagons and the response of the private sector in this regard; and

(c) what are the financial implications of the proposal?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN): (a) Yes, Sir.

†The question was actually asked on the the floor of the House by Shri Kamal Morarka.